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## HISTORICAL ACCOUNT

### THE LAWS

#### AGAINST THE

### ROMAN-CATHOLICS OF ENGLAND.

"I look upon my Roman Catholic Brethren as fellow subjects and fellow Christians, believers in the same God, and partners in the same redemption. Speculative differences in some points of faith, with me are of no account: They and I have but one religion,—the religion of Christianity. Therefore, as children of the same father,—as travellers in the same road,—and seekers of the same salvation, why not love each other as brothers? It is no part of Protestantism to persecute Catholics; and without justice to the Catholics, there can be no security for the Protestant establishment; as a friend, therefore, to the permanency of this establishment, to the prosperity of the Country, and the justice due to my Catholic Brethren, I shall cheerfully give my vote that the Bill be committed."

Extract of the Bishop of Killaloe's Speech in the House of Lords,  
13th of March 1793, on the Bill for the relief of his Majesty's  
Roman Catholic subjects.

Printed by Luke Hanford & Sons,

For Keating, Brown, & Co. Duke-Street, Grosvenor Square; Bower &  
Faulder, Bond-Street; Ridgway, Piccadilly; Budd, Pall-  
Mall, London;—and Fitzpatrick & Coyne, Dublin.

1811.

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**HISTORICAL ACCOUNT**  
**OF THE**  
**LAW**  
**RESPECTING**

**ROMAN CATHOLICS.**

**T**HE following Statement may be found to give:

I. Some account of the laws, which, since the Reformation, have been past against the Roman catholics:

II. Some account of the effect and operation of the laws, which have been past, since the accession of his Majesty's family to the throne of England, for the relief of Roman catholics:

III. And some account of the penal laws, the effect of which is felt by Roman catholics; but the effect of which is not felt by Protestant Dissenters.

## I.

WITH RESPECT TO THE LAWS, WHICH, SINCE THE SEPARATION OF THE CHURCH OF ENGLAND FROM THE CHURCH OF ROME, AT THE TIME OF THE REFORMATION, HAVE BEEN PAST AGAINST THOSE, WHO REMAINED IN COMMUNION WITH THE SEE OF ROME,—the laws against them may be reduced under five heads:—

I. 1. THE first, are *those, which subjected them to penalties and punishments for exercising their religious worship*;—under which head, may be ranked, the laws respecting their places of education, and the ministers of their church. By these laws, if any English priest of the church of Rome, born in the dominions of the crown of England, came to England from beyond the seas, or tarried in England three days, without conforming to the church, he was guilty of high treason; and those incurred the guilt of high treason, who were reconciled to the see of Rome, or procured others to be reconciled to it. By these laws also, papists were totally disabled from giving their children any education in their own religion; for, if they educated their children at home, then, for maintaining the schoolmaster, if he did not repair to church, or was not allowed by the bishop of the diocese, they were liable to forfeit £. 10, a month, and the schoolmaster was liable to forfeit forty shillings a day; and if they sent their children for education



education to any school of their persuasion abroad, they were liable to forfeit £.100. and the children so sent were disabled from inheriting, purchasing or enjoying any lands, profits, goods, debts, duties, legacies, or sums of money.—Saying mass was punishable by a forfeiture of 200 marks: hearing it, by a forfeiture of 100. See 1 Eliz. ch. 2. 23 Eliz. ch. 1. 27 Eliz. ch. 2. 29 Eliz. ch. 6. 35 Eliz. ch. 2. 2 Jac. 1. ch. 4. 3 Jac. 1. ch. 4, 5. 7 Jac. 1. ch. 6. 3 Car. 1. ch. 2. 25 Car. 2. ch. 2. 7 & 8 W. 3. ch. 27. 1 Geo. 1. ch. 13.

I. 2. Under the second head, were those laws, which punished the English communicants with the church of Rome *for not conforming to the established church*. These are generally called the Statutes of Recusancy. It should be observed, that, absence from church, alone, and unaccompanied by any other act, constitutes recusancy, in the true sense of that word. Till the statute of the 35 Eliz. chap. 2. all nonconformists were considered as recusants, and were all equally subject to the penalties of recusancy: that statute was the first penal statute made against popish recusants, by that name, and as distinguished from other recusants. From that statute arose the distinction between protestant and popish recusants; the former were subject to such statutes of recusancy, as preceded that of the 35th of queen Elizabeth, and to some statutes against recusancy, made subsequently to that time; but they were relieved from them all,  
by

by the Act of Toleration, in the first year of king William's reign. From the 35th Eliz: ch: 2. arose also the distinction, between papists and persons professing the popish religion, and popish recusants, and popish recusants convict. Notwithstanding the frequent mention in the statutes, of papists and persons professing the popish religion, neither the statutes themselves, nor the cases adjudged upon them, present a clear notion of the acts or circumstances that, in the eye of the law, constituted a *papist*, or a *person professing the popish religion*. When a person of that description absented himself from church, he filled the legal description of a *popish recusant*: When he was convicted in a court of law of absenting himself from church, he was termed in the law a *popish recusant convict*. To this, must be added the *constructive recusancy* hereinafter mentioned to be incurred by a refusal to take the oath of supremacy. With respect to the statutes against recusancy; by these statutes, popish recusants convict were punishable by the censures of the church, and by a fine of £.20. for every month, during which, they absented themselves from church; they were disabled from holding offices or employments; from keeping arms in their houses; from maintaining actions or suits at law or inequity; from being executors or guardians; from presenting to advowsons; from practising in the law or physic; and from holding offices, civil or military; they were subject to the penalties attending

tending excommunication, were not permitted to travel five miles from home, unless by licence, upon pain of forfeiting all their goods; and might not come to court under pain of £.100. A married woman, when convicted of recusancy, was liable to forfeit two thirds of her dower or jointure: she could not be executrix or administratrix to her husband, nor have any part of his goods; and, during her marriage, she might be kept in prison, unless her husband redeemed her at the rate of £.10. a month, or the third part of his lands. Popish recusants convicted were, within three months after conviction, either to submit and renounce their religious opinions, or, if required by four justices, to abjure the realm; and if they did not depart, or if they returned without licence, they were guilty of felony, and were to suffer death as felons.—(See the statutes referred to under the former head.)

§ 3. *As to the penalties or disabilities attending the refusal of Roman catholics to take the oath of supremacy, the declaration against transubstantiation, and the declaration against popery:* It must be premised, that, the Roman catholics make no objection to take the *Oath of Allegiance*; 1 G. 2. c. 13. or the *Oath of Abjuration*, 6 Geo. 3. c. 53.—*With respect to the Oath of Supremacy*, \*—by the 1st Elizabeth, ch. 1. the persons therein mentioned were made compellable to take the Oath of Supremacy contained

\* All the Oaths and Declarations mentioned in the text are printed in the Appendix.

contained in that act: by the 3d of king James the 1st, ch. 4. another oath was prescribed to be taken, commonly called the Oath of Allegiance and Obedience: these oaths were abrogated by the 1st of king William and queen Mary, sess. 1. ch. 8. and a new oath of allegiance and a new oath of supremacy were introduced, and required to be taken in their stead: the statute made in the 2d session of the 1st year of king George the 1st, ch. 13. contains an oath of supremacy, in the same words, as the oath of supremacy, required to be taken by the 1st of king William and queen Mary. By that oath, persons are made to swear, that "no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, power, supremacy, pre-eminence or authority, ecclesiastical or spiritual, within the realm." It was required to be taken by the persons therein named; it might be tendered to any person, by any two justices of the peace; and persons refusing the oath so tendered were adjudged to be popish recusants convicted, and to forfeit and be proceeded against, as such. This was the *Constructive Recusancy* referred to above. It was not the offence itself of recusancy, which, as we have already observed, consisted merely in the party's absenting himself from church; it was the offence of not taking the oath of supremacy, and the other oaths prescribed by the act of 1 Geo. 1. the refusal of which, was, by that statute, placed on the same footing, as a legal conviction

conviction on the statutes of recusancy, and subjected the party refusing to the penalties of those statutes. This was the most severe of all the laws against papists. The punishment of recusancy was penal in the extreme; and the persons objecting to the oath in question, might be subjected to all the penalties of recusancy, merely by their refusing the oath, when tendered to them. It added to the penal nature of these laws, that, the oath in question, might be tendered, at the mere will of two justices of peace; without any previous information or complaint before a magistrate, or any other person. Thus, by refusing to take the oath of supremacy, when tendered to them, they became liable to all the penalties of recusancy; and the same refusal, by 7 & 8 Wm. 3. ch. 4. and 1 Geo. 1. st. 2, ch. 13. restrained them from practising the law as advocates, barristers, solicitors, attornies, notaries, or proctors, and from voting at elections.

I. 4. With respect to receiving the Sacrament of our Lord's Supper: By the 13 Cha. 2. (commonly called the *Corporation Act*), no persons can be legally elected to any office, relating to the government of any city or corporation; unless within a twelvemonth before he has received the sacrament of the Lord's supper, according to the rites of the church of England; and he is also enjoined to take the oaths of allegiance and supremacy, at the same time, that, he takes the oath of office, or, in

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default

default of either of these requisites, such election shall be void.

I. 5. As to the Declaration against Transubstantiation : By the 25th Car. 2. ch. 2. (commonly called the *Test Act*), all officers, civil and military, are directed to take the oath, and make the declaration against transubstantiation, in the court of King's Bench or Chancery, the next term, or at the next quarter sessions, or (by subsequent statutes), within six months, after their admission, and also, within the same time, to receive the sacrament of the Lord's supper, according to the usage of the church of England, in some public church, immediately after divine service and sermon ; and to deliver into court, a certificate thereof, signed by the minister and churchwarden ; and also to prove the same, by two credible witnesses, upon forfeiture of £.500. and disability to hold the office.

I. 6. *With respect to the declaration against popery* : The act past in the 30th year of Car. 2. st. 2. ch. 1. contains the declaration, and prescribes it to be made, by members of either house of parliament, before they take their seats. By it, they declare their disbelief of the doctrine of transubstantiation, and their belief, that the invocation of saints, and the sacrifice of the mass, are idolatrous.

I. 7. *With respect to the laws affecting their landed property* :—How this was affected by the laws against recusancy, has been already mentioned. By the 11 & 12 W. 3. ch. 4. it

It was enacted, that, a person educated in the popish religion, or professing the same, who did not in six months, after the age of sixteen, take the oaths of allegiance and supremacy, and subscribe the declaration of the 30th Cha. 2. should, in respect of himself only, and not of his heirs or posterity, be disabled to inherit, or take lands by descent, devise, or limitation, in possession, reversion, or remainder: and that, during his life, till he took the oaths, and subscribed the declaration against popery, his next of kin, who was a protestant, should enjoy the lands, without accounting for the profits; and should be incapable of purchasing; and that, all estates, terms, interests, or profits out of lands, made, done, or suffered to his use, or in trust for him, should be void. By 3 Jac. 1. ch. 5. 1 W. & M. c. 26. 12 Ann, st. 2. c. 14. and 11 Geo. 2. c. 17. papists, or persons professing the popish religion, were disabled from presenting to advowsons, and other ecclesiastical benefices, and to hospitals and other charitable establishments. By annual acts of the legislature, papists being of the age of 18 years, and not having taken the oaths of allegiance and supremacy, were subjected to the burthen of the double land-tax. By a statute made in the second session of the 1st year of Geo. 1. ch. 55. they were required to register their names and estates in the manner, and under the penalties, therein mentioned; and by the 3d Geo. 1. c. 18. continued by several subsequent statutes, an obligation of enrolling their

deeds and wills was imposed on them. Such were the principal penal laws against Roman catholics, *immensus aliarum super alias acervatarum legum cumulus* (Liv. 3. 34.), at the time of the accession of the house of Brunswick.

## II.

WITH RESPECT TO THE LAWS WHICH HAVE BEEN PAST, SINCE THE ACCESSION OF THE BRUNSWICK FAMILY, FOR THE RELIEF OF ROMAN CATHOLICS:—

II. 1. The only act of any importance, which, till the reign of His present Majesty, was past for their relief, (and that operated but in an indirect manner for *their* benefit), was *the act of the 3d Geo. 1. c. 18.* On the construction of the 11 & 12 Wm. 3. ch. 4. it had been held, that, as it expressly confined the disability of papists to take, by descent to themselves only, and preserved their heirs and posterity from its operation, it was not to be construed as preventing the vesting of the freehold and inheritance in them, in cases of descent, or transmitting them to their posterity: but that, the disability respected only the permanency of the profits, or beneficial property of the lands, of which it deprived them, during their non-conformity. Whether that part of the statute, which relates to their taking by purchase, should receive the same construction, was a frequent subject of discussion, the statute being, in that branch of it, without any limitation. To remedy this, the



the act, we are speaking of, was past. It enacts, that, no sale for a full and valuable consideration, by the owner or reputed owner of any lands, or of any interest therein, theretofore made, or thereafter to be made, to a protestant purchaser, shall be impeached, by reason of any disability of such papist, or of any person under whom he claims, in consequence of the 11 & 12 W. 3. unless the person taking advantage of this disability, shall have recovered before the sale, or given notice of his claim to the purchaser, or before the contract for sale, shall have entered his claim at the quarter sessions, and *bonâ fide* pursued his remedy. The act then recites the clauses of the 12 & 13 W. 3. disabling papists from purchasing; and afterwards enacts, that, these clauses shall not be thereby altered or repealed, but shall remain in full force. Thus, the laws against the Roman catholics stood, at the time of the accession of His present Majesty. During his reign, two acts, each of great importance, have been past in their favour.

II. 2. *By the 18th of his reign, ch. 60.* it was enacted, that, so much of the 11 & 12 W. 3. as related to the prosecution of popish priests and jesuits, and imprisoning for life papists, who keep schools, or to disable papists from taking by descent or purchase, should be repealed, as to all papists or persons professing the popish religion, claiming under titles not theretofore litigated, who, within six months after the act past, or their coming

coming of age, should take the oath thereby prescribed.

II. 3. *With respect to the act of the 31st of His present Majesty, cap. 32.* That statute may be divided into six parts: The 1st, contains the declaration and bath afterwards referred to in the body of the act, and prescribes the method of taking it: The 2d, is a repeal of the statutes of recusancy, in favour of persons taking the oath thereby prescribed: The 3d, is a toleration, under certain regulations, of the religious worship of the Roman catholics, qualifying in like manner, and of their schools for education: The 4th, enacts, that, in future no one shall be summoned to take the oath of supremacy prescribed by the 1st Wm. & Mary, sect. 1. c. 8. and 1st Geo. 1. sect. 2. cap. 13. or the declaration against transubstantiation required by the 25th Ch. 2.; —that, the 1st Wm. & Mary, sect. 1. ch. 9. for removing papists or reputed papists from the cities of London and Westminster shall not extend to Roman catholics, taking the appointed oath;—and that, no peer of Great Britain or Ireland, taking that oath, shall be liable to be prosecuted for coming into His Majesty's presence, or into the court or house where His Majesty resides, under the 30th Car. 2. stat. 2. ch. 1.: The 5th part of the act, repeals the laws requiring the deeds and wills of Roman catholics to be registered or enrolled: The 6th dispenses persons acting as a counsellor at law, barrister, attorney, clerk, or notary,

notary, from taking the oath of supremacy or the declaration against transubstantiation.— Then the double land tax being imposed on them by the annual land tax act, a repeal of it could not be effected by any prospective act: but it was repealed by omitting from the annual land tax act, the clause imposing it.

II. 4. An alteration, which was made in the house of lords, in the act of the 31st of His present Majesty, during its passage through that house, raised a doubt, whether to entitle a Roman catholic, to the benefits of the act of the 18th of His present Majesty, it was not necessary that he should take the oath prescribed by that act, as well as the oath prescribed by the 31st of His present Majesty. To obviate this doubt, the act of the 43d of His present Majesty was passed, which entitles persons taking the oath prescribed by that act to all the benefits of the act of the 18th of His Majesty.

### III.

SOME ACCOUNT OF THE PENAL LAWS,  
THE EFFECT OF WHICH IS FELT BY ROMAN  
CATHOLICS, BUT THE EFFECT OF WHICH IS  
NOT FELT BY PROTESTANT DISSENTERS:—

III. It has been already shewn, how the law stands on the corporation and test acts.— The statute of the 1st William & Mary, (commonly called the toleration act), exempts all dissenters,

dissenters, except papists, and such as deny the Trinity, from all penal laws relating to religion, provided they take the oaths of allegiance and supremacy, and subscribe the declaration against popery, and repair to some congregation registered in the bishop's court, or at the sessions. But there is nothing in this act, which dispenses, either with the test act or the corporation act, so far as they impose the obligation of receiving the sacrament of our Lord's supper on persons serving in offices, or elected to serve in corporations. With respect therefore to the *test act and corporation act*, these are the only acts which subject the protestant dissenters to any penalties or disabilities. To these, the Roman catholics are subject equally with the protestant dissenters. There is, therefore, no penalty or disability that affects the protestant dissenters, to which Roman catholics are not subject equally; but there still remain several penal laws, the effect of which is most severely felt by Roman catholics, but the effect of which is not, in any manner, felt by Protestant Dissenters.

III. 1. The first of these, is the 30th Car. 2. st. 2. c. 1.—It is remarkable, that, notwithstanding the change of the national religion, at the reformation, and the contests and dissensions which succeeded it, Roman catholic peers were admitted, equally with their fellow peers, to sit and vote in the house of lords, and Roman catholic commoners were eligible,

eligible, equally with their fellow commoners, to a seat in the house of commons, till the lapse of a century and an half from the time of the reformation. The statute of which we are now speaking, was then enacted. It was past, while the ferment of Oates's plot was at its highest; and provided, *that no person should sit or vote in the house of peers, or be a member of, or set or vote in the house of commons, till he had taken the oaths of allegiance and supremacy, and made and signed the declaration against popery.* To this statute only, the exclusion of Roman catholic peers from their hereditary seat in parliament, and the exclusion of Roman catholic commoners from the natural and laudable ambition of an English gentleman, a seat in the house of commons, are owing.

III. 2. By the 7th & 8th of Wm. 3. ch. 27. those, who refuse to take the oath of supremacy, tendered to them at the requisition of a candidate, are *disabled from voting at elections.*

III. 3. By several statutes, *Roman catholics* are disabled from *Presenting to Advowsons.* This disability is peculiar to them; quakers, and even jews, having the full enjoyment of the right of presentation. It is to be observed, that, no person can be presented to a living, who has not been ordained according to the rites of the church of England. Previously to his ordination, he is examined, on his faith and morals, by the bishop; he takes

the oath of allegiance and supremacy, and subscribes the 39 articles; and previously to his admission, he subscribes the three articles respecting the supremacy, the Common Prayer, and the 39 articles: and he makes the declaration of conformity. By the act of uniformity, 13 & 14 Car. 2. c. 4. he is bound to use the Common Prayer and other rites and ceremonies of the church of England. These appear to be sufficient guarantees for the orthodoxy of the person presented.

III. 4. It has been observed that, in common with Protestant Dissenters, the Roman catholics are subject to the 13 Car. 2. c. 1. commonly called the Corporation Act, and to the 25 Car. 2. c. 2. commonly called the Test Act, the former of which excludes from corporations, persons who have not taken the oaths of allegiance and supremacy, and received the sacrament of our Lord's supper; and the latter of which directs all officers civil and military to qualify for their offices, in the same manner.—But *Roman catholics alone feel the penal operation of 1 Geo. 1. st. 2. c. 13.* which requires all persons bearing offices civil or military, or holding command or place of trust, or receiving pay or wages by reason of any patent or grant from His Majesty, to take that oath under a penalty of £. 500. and under other penalties.

The very small number of those, who qualify themselves for election into corporations, or for civil or military offices, by complying  
with

with the requisites of these acts, is known. For their relief, an act of parliament is annually past, by which, after mentioning the Corporation and Test acts, and some other acts, which do not relate to the point under consideration, it is enacted, that persons, who, before the passing of the act, have omitted to qualify in the manner prescribed by those acts, and who shall properly qualify for them, before the 25th of the ensuing December shall be indemnified against all penalties, forfeitures, incapacities, and disabilities; and their elections, and the acts done by them, are declared to be good.—This act expresses nothing, which excludes Roman catholics, from the benefit of its provisions.

The construction of it came into consideration in 1798; when Lord Petre, the grandfather of the present Lord, having, with the express leave and encouragement of government, raised, equipped, and trained, at his own expence, a corps of 250 men, for His Majesty's service, requested that his son might be appointed to the command of them, and his son's religion was objected to him. It was admitted, that, by accepting the command of the corps, without complying with the provisions of the acts in question, Mr. Petre would subject himself to their penalties; but it was observed, that the appointment would be good; that the penalties would not be incurred till the expiration of the sixth month after his appointment; and that the annual act of indemnity would pass before

that time, and remove the penalties. It was also suggested, that protestants and Roman catholics stood, in this respect, exactly in the same predicament ;—both equally liable to the operation of the penal acts, and both equally within the relief of the indemnity act. The late Mr. Serjeant Hill, and the present Lord Chief Justice of His Majesty's Court of Common Pleas, were decidedly of this opinion ; but (under the advice, as it is said, of the crown lawyers), the refusal was persisted in ; another person was appointed to the command of the corps, and Mr. Petre served under him in the ranks.

III. 5. In common with the rest of His Majesty's subjects, the Roman catholics contribute, to the Religious establishment of the country ; but their own *Religious Establishments* can only be effected through the medium of trusts, always perplexing, and always precarious. In hospitals, workhouses, and other public institutions, the attendance of the ministers of their religion is sometimes denied them ; and the children of the poor, sometimes forced into protestant schools, under the eyes of their parents.

III. 6. The *Marriage act* is also a grievance to Roman catholics.—For several reasons, too long to be enumerated, it is painfully repugnant to their religious feelings to have their marriages celebrated in the manner now prescribed by law. But they do not object to its being rendered necessary, for the legal validity



validity of their marriages, that there should be an entry of them in the register of the parish, or to any other regular authentication of their marriages, which government can reasonably require.

III. 7. Though His Majesty's armies and fleets are filled with Roman catholics, not only no provision is made for the religious duties and comforts of Roman catholic soldiers and sailors, but by the *Articles of War*, they are liable to the very heaviest pains and punishments for refusing to join in those acts of religious worship, which a Roman catholic considers to amount to an exterior dereliction of his faith, and a compliance with which, they therefore feel a religious torture. By the *Articles of War*, sec. 1. if any soldier absents himself from Divine Service and Sermon, in the place appointed, he is liable, for the first offence, to forfeit 12 *d.*; and for the second, and every other offence to forfeit 12 *d.* and be put in irons; and by the same articles, section 2. art. 5. "if he shall disobey any lawful command of his superior officer,"—(and, of course, if he shall disobey any lawful command of his superior officer to attend Divine Service and Sermon),—"he shall suffer death, or such other punishment as by a general court martial shall be awarded."

III. 8. *The operation of the Test Act, of the Articles of War, and of the Mutiny Act, in the instances we have mentioned, so far as they respect Irish Roman catholic officers, soldiers, and sailors,*

*sailors*, deserves particular consideration. The Irish act of 1793 admitted catholics into military employments with certain exceptions. "It was represented to government," says Mr. Henry Parnell, in his invaluable History of the penal laws against the Irish catholics, p. 127, "that, as its powers could not extend out of Ireland, and as all Irish Catholic soldiers, sailors and officers were uniformly employed on services out of Ireland, it was necessary that, in order to give it any useful effect in this respect, the English act of the 1st of Geo. the 1st, which prohibits catholics from filling any military situation, should be repealed. In answer to their application, the catholics were informed by Lord Hobart, that such a measure would be immediately adopted, and the letter of the Secretary of State was shewn to them, containing the promise of the English Government. In the house of Lords, when, upon the debate of this act, Lord Farnham proposed an amendment to the clause relating to the military offices, by rendering its operation conditional, until England should pass a similar law, the Chancellor lord Clare opposed it, 'for, said he, it could not be supposed that His Majesty would appoint a man to such a post until the laws of the empire should qualify him to act in every part of it; and that it was more than probable that a similar law to this would be adopted in England before the expiration of two months; and, on this ground, the amendment would be wholly unnecessary.'"

"Fourteen

“ Fourteen years, however,” continues Mr. Parnell, (writing in 1807), “ were allowed to pass by without any such law having been attempted to be adopted in England ; and “ when the late ministers fought to rescue the “ plighted truth of their predecessors from “ well merited reproach, they were accused “ of an attempt to subvert the established “ church, and driven from the councils of “ His Majesty.”

Such are the penal laws, under which the Roman catholics of England still labour :— They have presented a petition \* to both Houses of Parliament, for their repeal ; and they confide in their justice and humanity that it will receive a full and benign discussion. But they hope the time will speedily arrive, when the Imperial Parliament of the United Empire, will take the nature extent and operation of these laws into consideration, and by repealing them, admit their Roman catholic brethren to the free enjoyment of that constitution, in the support of which, by their lives, their fortunes, and their industry, they contribute in common with their fellow subjects.

\* See Appendix.

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## APPENDIX,

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APPENDIX.

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## APPENDIX.

## THE OATH OF ALLEGIANCE,

by the 1 G. 2. c. B.

**I, A. B.** do sincerely promise and swear, that I will be faithful, and bear true allegiance to His Majesty King George: So help me God.

## THE OATH OF SUPREMACY,

by the same Statute.

**I, A. B.** do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm: So help me God.

## THE OATH OF ABJURATION,

by the 6 G. 3. c. 53.

**I, A. B.** do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, that our sovereign Lord King George is lawful and rightful king of this realm, and all other His Majesty's dominions thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that not any of the descendants of the person who pretended to be Prince of Wales during the life of the

late King James the Second, and since his decease pretended to be, and took upon himself the stile and title of King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the stile and title of King of Great Britain, hath any right or title whatsoever to the crown of this realm; or any other the dominions thereunto belonging: And I do renounce, refuse, and abjure any allegiance or obedience to any of them. And I do swear, that I will bear faith and true allegiance to His Majesty King George, and him will defend, to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against His person, crown, or dignity. And I will do my utmost endeavour, to disclose and make known to His Majesty and his successors, all treasons and traitorous conspiracies, which I shall know to be against him, or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the crown against the descendants of the said James, and against all other whatsoever; which succession, by an Act, entitled, An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject, is and stands limited to the princess Sophia, electress and duchess dowager of Hanover, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a christian: So help me God.



**THE DECLARATION AGAINST TRANSUBSTANTIATION,**  
by the 25 C. 2. c. 2.

I, *A. B.* do declare, that I do believe, that there is not any transubstantiation in the sacrament of the Lord's Supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever.

**THE DECLARATION AGAINST POPERY,**  
by the 30 C. 2. st. 2. c. 1.

I, *A. B.* do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe, that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever: And that the invocation, or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous: And I do solemnly in the presence of God profess, testify, and declare, that I do make this Declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this Declaration, or any part thereof, although the pope, or any other person or persons, or power whatsoever, shall dispense with or annul the same, or declare that it was null and void from the beginning.

**The OATH prescribed by the 13 G. 3.**

I, *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King  
George

George the Third, and him will defend, to the utmost of my power, against all conspiracies and attempts whatever that shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, His heirs and successors, all treasons and traitorous conspiracies, which may be formed against him or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power, the succession of the crown in His Majesty's family, against any person or persons whatsoever; hereby utterly renouncing and abjuring any obedience, or allegiance unto the person taking upon himself the stile and title of Prince of Wales, in the life-time of his father, and who, since his death, is said to have assumed the stile and title of King of Great Britain, by the name of Charles the Third, and to any other person claiming or pretending a right to the crown of these realms; and I do swear, that I do reject and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for, or under pretence, of their being hereticks; and also that unchristian and impious principle, that no faith is to be kept with hereticks: I further declare, that it is no article of my faith, and that I do renounce, reject, and abjure, the opinion, that princes excommunicated by the pope and council, or by any authority of the see of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects; or any person whatsoever: And I do declare, that I do not believe that the pope of Rome, or any other foreign prince, prelate, state or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath; without any evasion, equivocation, or mental

tal reservation whatever, and without any dispensation already granted by the pope, or any authority of the see of Rome, or any person whatever; and without thinking that I am or can be acquitted before God and man, or absolved of this declaration, or any part thereof, although the pope, or any other persons or authority whatsoever, shall dispense with or annul the same, or declare that it was null or void.

The OATH prescribed by 31 Geo. 3. c. 32.

I, *A. B.* do hereby declare, that I do profess the Roman catholic religion.

I, *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King George the Third, and him will defend, to the utmost of my power, against all conspiracies and attempts whatever, that shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: And I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown; which succession, by an act, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the princess Sophia, electress and duchess dowager of Hanover, and the heirs of her body, being protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of these realms: And I do swear, that I do reject and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being hereticks or infidels; and also that unchristian and impious principle, that faith is not to be kept with hereticks or infidels: And I further declare, that it is not an article of my faith, and that I do renounce, reject, and  
abjure

abjure the opinion, that princes excommunicated by the pope and council, or any authority of the see of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever: And I do promise, that I will not hold, maintain, or abet any such opinion, or any other opinions contrary to what is expressed in this declaration: And I do declare, that I do not believe that the pope of Rome, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm: And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever; and without any dispensation already granted by the pope, or any authority of the see of Rome, or any person whatever; and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or authority whatsoever, shall dispense with or annul the same, or declare that it was null and void.

*PETITION of the Roman Catholics of England, as presented to the House of Lords, on Thursday February 22d, 1816, by the Right Honourable Earl Grey; and in the House of Commons by the Right Honourable William Windham.*

“ TO the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament assembled;

“ We whose names are underwritten, Roman catholics of England, humbly beg leave to represent to your honourable house,

“ That at the time of His Majesty's accession to the throne, the laws in force, against his English Roman catholic

catholic subjects, deprived them of most of the rights of Englishmen, and of several of the common rights of mankind.

" That, by the Acts of the 18th and 31st years of His Majesty's reign; several of the penalties and disabilities under which the English Roman catholics laboured; were removed.

" That the English Roman catholics are most grateful for the relief granted them by these Acts, and have taken and subscribed the oaths and declarations contained in them.

" That their conduct hath been conformable to their professions; in peaceable submission to the laws, and in the discharge of moral or civil duty, they have not been exceeded by any of His Majesty's subjects; they have served him effectively and honourably in his fleets and armies; there never has been a call upon Englishmen to do their duty, which the English Roman catholics have not been forward to answer.

" That several penal and disabling laws are yet in force against them: They are not equally entitled, with their fellow-subjects, to vote at the election of any member of the house of commons; they are excluded from a seat in either house of parliament; they are not admissible into corporations; every civil and military office is denied them; every laudable object of ambition; all that elevates a man among his fellow-subjects, all hopes of public distinction, all means of attracting the notice of their country, or the favour of their sovereign, are placed without their reach.

" The more they deserve of their country, the more sensibly their country makes them feel this exclusion. In the ranks she suffers them to fight her battles, but to them victory is without its reward; promotion is wholly denied them; no services can advance, no merit enable them to profit of their country's favour.

" Even in their humble situation of private soldiers, the law follows them with pains and penalties. By the articles

of war, if soldiers refuse to attend the religious worship of the established church, they are punishable by fine, imprisonment, and death. Thus the English catholic soldiers are incessantly exposed to the cruel alternative of either making a sacrifice of their religion, or incurring the extreme of legal punishment; than which, your petitioners humbly conceive, there never has been, and cannot be a more direct religious persecution. To an alternative equally oppressive, the English Roman catholics are exposed on their marriages; the law requires, for the legal validity of a marriage in England, that it should be celebrated in a parish church; as Roman catholics believe marriage to be a sacrament, the English Roman catholics naturally feel great repugnance to a celebration of their marriages in other churches than their own.

"They are cruelly debarred from any means which their fellow-subjects possess, of providing for their families, by employments of honour or emolument; so that, while they bear their full share of the general contribution to the wants of the state, they are denied even a hope of participating in those advantages by which the burden of their fellow-subjects is alleviated.

"In other occurrences of life, the law has the same humiliating and depressing operation on your lordships petitioners: thus, every Roman catholic subject of His Majesty, is forced below his fair line in society, and the general body is a marked and insulated cast.

"Yet the Roman catholics form more than one-fourth of the whole mass of the subjects of the United Empire—whatever there is of genius, of talent, or of energy among them, is absolutely lost for public use; and this at a time, when the United Empire is engaged in a conflict, formidable beyond example; and it therefore seems important, if not essential to her preservation, that she should call into action, without qualification or limit, or any religious test or declaration, the genius, talents, and energies of all her subjects.

"It

"It is true, that your lordships petitioners profess some religious principles, which are not professed by the established church; and to this, and to this only, their refusal of certain tests, oaths, and declarations is owing, which subjects them to the pains and disabilities they complain of; but none of the principles, which occasion their refusal, affects their moral, civil, or political integrity; and your petitioners humbly submit to this right honourable house, that no principle, which leaves moral and political integrity unimpaired, is a proper object of religious perfection; besides, the whole creed of your lordships petitioners was once the creed of the three kingdoms—it is the actual creed of four-fifths of Ireland, and of much the greater part of Europe. It was the creed of those who founded British liberty at Runymeade, who conquered at Cressy, Poitiers, and Agincourt: among those who repelled and annihilated the Spanish Armada, none bore a nobler part than those by whom this creed was professed. In all these achievements, in every other scene, in which the ancient valour, or ancient wisdom of this country has been displayed, the ancestors of several of your lordships petitioners have been distinguished. Their creed did not lessen their zeal for their king and country—it does not lessen that of their descendants.

"Every disloyal or immoral principle, which malice or credulity has imputed to them, your lordships petitioners have solemnly and repeatedly disclaimed. They believe there does not now exist an honourable man who imputes these principles to them: they have sworn to be faithful, and bear true allegiance to His Majesty, and have acted up to their professions; they most confidently appeal to this right honourable house, and to the whole empire, whether in loyalty to His Majesty, attachment to the constitution, or zeal for their country's good, they are not equal, and are not universally known and acknowledged to be equal, to His Majesty's other subjects.

"Therefore, conscious of the truth of these representations,

tions, and with the most perfect reliance on the wisdom and justice of your right honourable house,

"Your lordships petitioners humbly pray for a total repeal of every test, oath, declaration, or provision, which has the effect of subjecting them to any penalty or disability whatsoever, on account of their religious principles."

Signed,

William Gibson, Vicar Apost.  
 John Douglass, Vicar Apost.  
 John Milner, Vicar Apost.  
 Peter Collingridge, Vicar Apost.  
 William Poynter, Coadjutor,  
 Thomas Smith, Coadjutor,  
 Shrewsbury,  
 Newburgh,  
 Fauconberg,  
 Stourton,  
 Petre,  
 Arundell,  
 Dormer,  
 Clifford,  
 William Gerard, Bart.  
 Edward Hales, Bart.  
 Henry Englefield, Bart.  
 Thomas Vavasour, Bart.  
 John Throckmorton, Bart.  
 Edward Blount, Bart.  
 Windsor Hunloke, Bart.  
 Carnaby Haggerstone, Bart.  
 Richard Bedingfield, Bart.  
 Thomas Stanley, Bart.  
 Thomas Gage, Bart.  
 John Lawson, Bart.  
 Pierce Mostyn, Bart.

And upwards of eight thousand gentlemen and others,  
 including near three hundred clergymen.

*Accompanying*



*Speech of the Right Hon. Earl Grey, on his presenting the English Roman Catholic Petition to the House of Lords,*  
(as REVISED BY EARL GREY, from the Report in the *Globe Newspaper*.)

" MY LORDS, ..

" It is not my intention, at present, whatever I may think it my duty to do, during the present Session of Parliament, to make any other than the usual motion, that the petition shall be allowed to lie, for future consideration, on your lordships table. But I cannot, my lords, neglect the opportunity which this motion affords me, of soliciting your lordships attention to the extreme importance of the subject—to the extent and magnitude of the interests it embraces, and to the fundamental principles of policy and of justice on which it is founded. I say, to the principles of policy and justice; because, in any enlightened view of state affairs, they will never be found at variance; and, in my conscience, I think they were never more closely and intimately united, than with respect to the case which is stated in this petition. My lords, the petitioners, with due respect towards your lordships, but not without those feelings, of which, as men labouring under many and severe hardships—as men labouring under great and unmerited disabilities, and exclusions, they cannot divest themselves, have submitted their case to your consideration. The situation in which they state themselves to be placed, is this—that, without any impeachment of their loyalty—without any imputation on their conduct—nay, after strong and repeated acknowledgment of honourable and meritorious demeanour, as good and faithful subjects of the British empire—they find themselves, on account of principles, purely religious, and for a belief, which, if sincere, it does not depend on them to exchange, a marked and proscribed people in the midst of their fellow-subjects—excluded from the benefit of the free government they support and defend—excluded from those opportunities of exertion in their country's

*Accompanying Petition of the English Roman Catholics, who met at the St. Alban's Tavern, on the 1<sup>st</sup> February, 1810.*

"We whose names are underwritten, Roman catholics of England, beg leave to represent to your Right Honourable House, that your petitioners, in common with the general body of the English Roman catholics, have lately signed a Petition to your Right Honourable House, stating the principal grievances under which they lie, in consequence of their religious principles, and praying relief. They now beg leave further to state to your Lordships, that in soliciting the attention of Parliament to their petition, they are actuated not more by a sense of the hardships and disabilities under which they labour, than by a desire to secure, on the most solid foundation, the peace and harmony of the British empire; and to obtain for themselves opportunities of manifesting, by the most active exertions, their zeal and interest in the common cause, in which their country is engaged for the maintenance of its freedom and independence; and that they are firmly persuaded, that adequate provision, for the maintenance of the civil and religious establishments of this kingdom, may be made, consistently with the strictest adherence, on their part, to the tenets and discipline of the Roman catholic religion; and, that any arrangements founded on this basis of *mutual satisfaction and security, and extending to them the full enjoyment of the civil constitution of their country, will meet with their grateful concurrence.*"

Signed by

Bishops	William Gibson,	Lords	Shrewsbury,
	John Douglass,		Fauconberg,
	Peter Collingridge,		Stourton,
	William Poynter,		Arundell,
	Thomas Smith,		Dormer,
			Clifford,

And near two Hundred of the principal Catholic Gentlemen and Clergy.

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*Speech*

country's defence, which, in this perilous crisis, every English heart would be anxious to obtain. It is much and deeply to be lamented, there should exist any difficulty that should have the effect of making it necessary to postpone, for a single hour, your lordships taking this petition into your consideration, with a view to affording effectual, prompt, and complete relief; and I regret it the more, with respect to the particular class of individuals with whose interests I am charged; because their situation is, in some degree, peculiar to themselves; inasmuch as the disabilities of which they complain are infinitely more severe and more extensive than those which affect other persons, professing the same religious tenets in other parts of the empire. I have said that their situation is particularly severe; and as I am fearful that this subject may not have raised that degree of attention which its importance deserves, it may not be unnecessary to state in what that extraordinary severity consists. Your lordships will recollect that in Canada, for instance, in consequence of the provisions which were made after its conquest, in the reign of His present Majesty, the subjects of His Majesty in Canada, enjoy complete toleration. In other words, there exists no difference as to the enjoyment of civil rights between the catholic and protestant subjects. I do not mean to found any argument on this circumstance; I state it only as a fact, which, I trust, your lordships will bear in your recollection. In Ireland, unfortunately for the peace of the English empire, unfortunately for our own security, there is a different state of things. In Ireland, His Majesty's subjects are still liable to disabilities, which cannot be supported upon any principles, if they are not required with a view to our own safety. But even in Ireland many privileges are extended to catholics which are denied to the catholics in England. They are capable of being elected to all lay corporations, with the exception of Trinity College, Dublin; where, however, they may take degrees.

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They may be in the commission of the peace; they may vote for members of parliament; they may hold civil offices of trust and emolument under the crown, subject to certain exceptions. In Ireland, all the ranks of the army, under that of a general of the staff, are open to catholics. From all those advantages the English catholics are excluded; they are not eligible to corporations; they cannot take degrees; they cannot act in the commission of the peace; they are not allowed to vote at elections; they are incapable of holding offices of trust under the crown; all the ranks of the army and navy are denied to them. The catholic, deeply interested as he is in the common defence of the country, is denied the means of assisting it. At this moment, when you are calling upon all classes of the community for assistance, the catholic has the heart-breaking mortification, not only of finding himself excluded from the higher ranks of the army, but even, if descending from his station in life, he should consent to enroll himself as a private in the ranks, he must depend upon his officer for the free exercise of his own religion, and for not being compelled to attend to the ceremonies of another, in which his conscience forbids him to partake. These are evils to which the English catholics are subject, in addition to those which they suffer in common with other persons of the same persuasion in other parts of the empire. In stating their complaints, they assert, with no unbecoming confidence, that their conduct has not been such as justly to subject them to a punishment of so severe a nature. Upon this head I think I may appeal to the personal knowledge of many of your lordships, whether you are not convinced, that there do not exist men whose conduct has uniformly been more exemplary as loyal subjects of the king and zealous supporters of the government than the English catholics? I have some knowledge of persons of that profession in the county to which I belong:—they are persons as distinguished for their loyalty and good conduct

conduct as for their great opulence; and I will venture to assert, that the voice of the country would join with me in saying, that, as friends and neighbours, as landlords, as fathers of families, as persons filling all the relations of life, there do not exist men who have established more just claims to the universal esteem of all mankind. It is in this character that the petitioners present themselves, as men complaining of severe deprivations, and as having deserved by their conduct a very different treatment; and, my lords, I have, in making this statement, the satisfaction of being authorized to add, that, while they pray for relief, they are willing to accept it, accompanied with such provisions for the maintenance of the civil and religious establishments of this kingdom as may be made, consistently with a strict adherence, on their part, to the tenets and discipline of the Roman catholic religion; and that any arrangement, founded on this basis of mutual satisfaction and security, will meet with their grateful concurrence. This declaration is contained in the second petition which I have presented to your lordships, and was adopted lately at a meeting in the metropolis. I am persuaded you will think that such conduct entitles their petition to an impartial and favourable consideration; but I will say farther, that it is on the principle stated in this petition alone, and with a view to an arrangement such as I have described, that this measure has my support. If I do not deceive myself, I think there cannot be a more sincere and determined friend to the true principles of toleration, in the fullest and most extensive sense of the word, than the individual who has the honour to address you; nay, I will go farther, and state it to be my firm belief, that not only policy in the general sense of the word, but that the immediate calls of our own safety, never more imperiously required a recognition of those principles, by the adoption of a wise system, with respect to the Church, which may have the effect of uniting in

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the bonds of a common interest, all classes of his Majesty's subjects, and of producing that real union of affection, without which the nominal union of law is ineffectual; but with which, we may look undismayed at all the dangers which threaten us. In speaking on this subject, I have no hesitation in declaring it as my settled opinion, that no government can discharge the duties imposed upon it at the present crisis; no government can afford a hope of extricating us from the difficulties of the present moment, and of guiding us with safety through the perils that surround us, if it does not without delay, apply all its faculties to the accomplishment of this difficult perhaps and complicated, but great and indispensable work of national conciliation.—But in stating this matter as I have done, I beg your lordships to be assured, that I never shall urge you to grant the relief which is required, without having a due regard to your own securities; that I shall never urge you to take up this subject, but on a comprehensive and general view of all the interests connected with it. I am sensible, that, in looking at the claims of the catholics, we ought also to look at those securities which may be demanded for our own religious establishments; that we ought to strengthen, and confirm, and consolidate them; to remove from them all real dangers, and above all, those dangers which, under the false name of pretended security, are inseparable from any system which contains in it principles of intolerance and persecution. To consolidate, and confirm, and strengthen those establishments by reasonable provisions, will be always regarded by me as a sacred and indispensable duty. In maintaining the doctrine of religious liberty in favour of the catholics, I am persuaded I cannot maintain it on other grounds than those on which civil liberty itself is founded. Neither consisting in an absolute exemption from all restraint whatever, but in being subject to no restraint but such as the common interest and the common safety,

safety, rationally and impartially considered, may appear to require. Keeping this principle in view, we shall steer a right course; and the way we have to act is, to consider, without passion, what are the dangers with which we have to contend, and then to apply provisions to meet the dangers, and adopt the measures of precaution that may be necessary. Limiting these in their application to the necessity of the case, we shall not act in contradiction to the principles of toleration; whilst on the contrary, to support restrictions on any other principle than this, would be to act contrary to the principles of the government under which we live, and inconsistent with the mild and charitable spirit of Christianity itself. The particular provisions which, for this purpose, it may be expedient to propose, it is not now time to discuss—it would be premature. *I sincerely rejoice, that, in the declaration which they have made, the English catholics, without adverting to particular measures, have confined themselves to a general statement. More than this should not be required of them, at present.* It leaves the whole subject open to future consideration; and, I hope, the time is not far distant, when we may enter upon it with such a disposition, as will tend to produce an arrangement satisfactory to all parties—an arrangement, in the words of the Petition, “on the sound basis of mutual satisfaction and security.” I have said, that I did not intend to press the subject further at present: that determination is founded on the consideration, that, whatever distinctions there may be between the English catholics and other persons professing the same religion, in other points, no advantages perhaps can arise from a separate discussion. With regard to other considerations which affect this question, it is not my purpose now to trouble your Lordships. But the proceedings even of this day will not, I hope, be useless. I hope and trust they will produce a temper and disposition, on all sides, which will enable us to decide dispassionately

the most momentous question that was ever submitted to your consideration, I shall not trouble your lordships further, but content myself with moving, "That this petition do lie upon the table." Ordered accordingly.

*Speech of the Right Honourable William Windham, on his presenting the English Roman Catholic Petition to the House of Commons, (as reported in the Globe Paper).*

"I have a petition to present, into the merits of which it is not now my intention to go: it respects a body of people, who labour under oppressions of peculiar severity; I mean the Roman catholics of England."

"I attack the right of states to impose religious restrictions upon the people, but that right should be only exercised, when called for by an imperious and overruling necessity. It is obvious no such necessity exists for the restrictions upon the Roman catholics of England, as they are for nothing but that which both church and state must deem it necessary to grant, and which justice must confirm. Who can pretend to have any fear of the Roman catholics, or to dread a disclosure of their power, by which their virtues must also be revealed?"

"I will assert, then, if their power prove considerable, their inclinations are in a proportionate degree favourable to the interests of the country; if their character be unknown, if they be obscure—it is because they are deemed unworthy of our consideration, and are branded with our neglect. When I speak of their obscurity, I do not mean, that they are destitute of hereditary virtues and hereditary dignity; that they are not a part of that class which ought to be denominated 'British Roman Catholics.' I cannot contemplate a more noble and affecting spectacle, than an ancient Roman catholic gentleman in the midst of his people, exercising the virtues of beneficence, humanity, and hospitality. If they are obscure, it is because they are prescribed as aliens to the state, because they are shut out from



from this assembly, where many of those, who are far less worthy, are allowed to sit. Have they ever tried those vile arts which are exercised so successfully by these men to creep into pension and place? Have they ever attempted to obtain their rights either by clamour or by servility? On the contrary, their conduct has proved that no other body is more justly entitled to respect and admiration.

"I wish the Petition to lie upon the table, that the contents may sink deep into the minds of this House, and I hope that the consideration will bring a final success to the cause of virtue and of truth. It is impossible that we can for ever bear the sight of our own injustice. Restitute must ultimately prevail, and I presume that the object of this Petition will be granted without a struggle."

*In the year 1788, a Committee of the English Catholics waited on Mr. Pitt, respecting their Application for a Repeal of the Penal Laws. — He requested to be furnished with Authentic Evidence, of the Opinions of the Roman Catholic Clergy and the Roman Catholic Universities abroad, upon the Existence and Extent of the Pope's dispensing Power." — Three Questions were accordingly framed, and sent to the Universities of Paris, Lovain, Alcalá, Douay, Salamanca, and Valadolid, for their Opinions. The Questions proposed to them were,*

1. Has the pope, or cardinals, or any body of men, or any individual of the church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England?
2. Can the pope, or cardinals, or any body of men, or any individual of the church of Rome, absolve or dispense with His Majesty's subjects from their oath of allegiance, upon any pretext whatsoever?

5. Is there any principle in the tenets of the Catholic Church, by which catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction, either of a public or a private nature?

*Abstract from the Answer of the Sacred Faculty of Divinity of Paris, to the above Queries.*

After an introduction, according to the usual forms of the University, they answer the First Query by declaring—

Neither the pope, nor the cardinals, nor any body of men, nor any other person of the church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever, in any kingdom; and, consequently, none in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence by divine institution inherent in, or granted, or by any other means belonging to the pope, or the church of Rome. This doctrine the sacred faculty of divinity of Paris has always held, and upon every occasion maintained, and upon every occasion has rigidly proscribed the contrary doctrines from her schools.

Answer to the Second Query.—Neither the pope, nor the cardinals, nor any body of men, nor any person of the church of Rome, can, by virtue of the keys, absolve or free the subjects of the king of England from their oath of allegiance.

This and the First Query are so intimately connected, that the answer to the first immediately and naturally applies to the second, &c.

Answer to the Third Query.—There is no tenet in the Catholic church, by which catholics are justified in not keeping faith with heretics, or those who differ from them in matters of religion. The tenet, that it is lawful to break faith with heretics, is so repugnant to common honesty and the opinions of catholics, that there is nothing of which  
those,

those, who have defended the Catholic faith against protestants, have complained more heavily, than the malice and calumny of their adversaries, in imputing this tenet to them, &c. &c. &c.

Given at Paris, in the General Assembly of the Sorbonne, held on Thursday the 11th day before the Calends of March 1789.

Signed in due form.

*University of Doway.*

Jan. 5, 1789.

At a Meeting of the Faculty of Divinity of the University of Doway, &c. &c.

To the First and Second Queries, the sacred faculty answers—That no power whatsoever, in civil or temporal concerns, was given by the Almighty, either to the pope, the cardinals, or the church herself, and, consequently, that kings and sovereigns are not, in temporal concerns, subject, by the ordination of God, to any ecclesiastical power whatsoever; neither can their subjects, by any authority granted to the pope or the church, from above, be freed from their obedience, or absolved from their oath of allegiance.

This is the doctrine which the doctors and professors of divinity hold and teach in our schools; and this, all the candidates for degrees in divinity maintain in their public theses, &c. &c. &c.

To the Third Question, the sacred faculty answers—That there is no principle of the Catholic faith, by which catholics are justified in not keeping faith with heretics, who differ from them in religious opinions. On the contrary; it is the unanimous doctrine of catholics, that the respect due to the name of God so called, to witness, requires that the oath be inviolably kept to whomsoever it is pledged, whether catholic, heretic, or infidel, &c. &c. &c.

Signed and sealed in due form.

*University*

*University of Lovain.*

The faculty of divinity at Lovain, having been requested to give her opinion upon the questions above stated, does it with readiness,—but struck with astonishment that such questions should, at the end of this eighteenth century, be proposed to any learned body, by inhabitants of a kingdom that glories in the talents and discernment of its natives. The faculty being assembled for the above purpose, it is agreed, with the unanimous assent of all voices to answer the first and second queries absolutely in the negative.

The faculty does not think it incumbent upon her in this place to enter upon the proofs of her opinion, or to show how it is supported by passages in the Holy Scriptures, or the writings of antiquity. That has already been done by Bossuet, De Marca, the two Barclays, Goldastus, the Pithaueses, Argentré, Widrington, and his Majesty King James the First in his dissertations against Bellarmin and Du Perron, and by many others, &c. &c. &c.

The faculty then proceeds to declare, that the sovereign power of the state is in nowise (not even indirectly as it is termed) subject to, or dependent upon, any other power; though it be a spiritual power, or even though it be instituted for eternal salvation, &c. &c.

That no man, nor any assembly of men, however eminent in dignity and power, not even the whole body of the catholic church, though assembled in general council, can, upon any ground or pretence whatsoever, weaken the bond of union between the sovereign and the people; still less can they absolve or free the subjects from their oath of allegiance.

Proceeding to the Third Question, the said faculty of divinity (in perfect wonder that such a question should be proposed to her) most positively and unequivocally answers—That there is not, and that there never has been, among the catholics, or in the doctrines of the church of Rome,

Rome, any law or principle which makes it lawful for catholics to break their faith with heretics, or others of a different persuasion from themselves in matters of religion, either in public or private concerns.

The faculty declares the doctrine of the catholics to be, that the divine and natural law, which makes it a duty to keep faith and promises, is the same, and is neither shaken nor diminished, if those, with whom the engagement is made, hold erroneous opinions in matters of religion, &c.

Signed in due form, on the 18th of November 1788.

*University of Alcalá.*

To the First Question it is answered—That none of the persons mentioned in the proposed question, either individually, or collectively in council assembled, have any right in civil matters; but that all civil power, jurisdiction, and pre-eminence, are derived from inheritance, election, the consent of the people, and other such titles of that nature.

To the Second, it is answered, in like manner—That none of the persons above mentioned, have a power to absolve the subjects of his Britannic Majesty from their oaths of allegiance.

To the Third Question it is answered—That the doctrine which would exempt catholics, from the obligation of keeping faith with heretics, or with any other persons who dissent from them in matters of religion, instead of being an article of catholic faith, is entirely repugnant to its tenets.

Signed in the usual form, March 17th 1789.

*University of Salamanca.*

To the First Question it is answered—That neither pope, nor cardinals, nor any assembly or individual of the catholic

tholic church, have, as such, any civil authority, power, jurisdiction, or pre-eminence, in the kingdom of England.

To the Second it is answered—That neither pope, nor cardinals, nor any assembly or individual of the catholic church, can, as such, absolve the subjects of Great Britain from their oaths of allegiance, or dispense with its obligations.

To the Third it is answered—That it is no article of catholic faith, that catholics are not bound to keep faith with heretics, or with persons, of any other description, who dissent from them in matters of religion.

Signed in the usual form, March 7th 1789.

*University of Valadolid.*

To the First Question it is answered—That neither pope, cardinals, or even a general council, have any civil authority, power, jurisdiction, or pre-eminence, directly or indirectly, in the kingdom of Great Britain; or over any other kingdom or province in which they possess no temporal dominion.

To the Second it is answered—That neither pope nor cardinals, nor even a general council, can absolve the subjects of Great Britain from their oaths of allegiance, or dispense with their obligations.

To the Third it is answered—That the obligation of keeping faith is grounded on the law of nature, which binds all men equally, without respect to their religious opinions; and with regard to catholics, it is still more cogent, as it is confirmed by the principles of their religion.

Signed in the usual form, February 17th, 1789.

*Magna est veritas et praevalabit.*

“ I have heard allusions made this night to doctrines,  
“ which I do hope no man now believes the catholics to  
“ entertain;

“entertain; nor is there any ground for an opinion that the question is opposed under any such pretence. The explanations that have been given on this head, so far as I know, are completely satisfactory, and the question as it now stands, is much more narrowed than it was upon any former discussion.”

Speech of the Earl of Liverpool, on the Debate in the House of Lords, in the Session of 1810, on the Petition of the Roman Catholics of Ireland.—Printed and published by Keating, Brown & Keating, Booker, Sherwood, Nealy & Sons, London; and Fitzpatrick & Coyne, Dublin.









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